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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/500,906

07/02/2004

Ole Petter Wullum

OPA 322

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EXAMINER

WHITE, RODNEY BARNETT

ART UNIT

PAPER NUMBER

3636

DATE MAILED: 09/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/500,906	Applicant(s) WULLUM, OLE PETTER	
	Examiner Rodney B. White	Art Unit 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 11-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 11, Applicant claims "at least two joints (10,30) which may pivot reciprocally" But does "joint element 10" really pivot? The "joint element 10" looks stationary. However, "middle joint element 20" look as if it pivots. Is that particular language worded incorrectly?

In claim 15, it is not clear what Applicant is trying to define with the "cooperating fitting surfaces". Is Applicant trying define how the middle joint is hindered from further movement, as described on pages 9-10 of the specification? Then in claim 16, it is not clear how the "cooperating fitting surfaces are equipped with rotational stoppers" Applicant needs to more clearly describe the restriction of movement and the "fitting surfaces" in claims 15-16.

In claim 23, line1, is the "seat device" the same as the "seat device" of claim 11? Is the "base" the same as the "support" in claim 11? Is the "mobile joint" the same "mobile joint" as in claim 11?

The aforementioned problems render the claims vague and indefinite.
Clarification and/or correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 11-14,17-18, 20, and 23, so far as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Hickman (U.S. Patent No. 2,949,153).

Hickman teaches a mobile joint for a seating construction for mounting between a seat device (15) of a seating construction and a support (18) for said seat device (15), comprising at least two joint elements (21,35) which may pivot reciprocally to a limited degree between two extreme positions in order to allow a tilting movement of the seat device, effected by the users weight displacement, characterized in that it contains a first joint element (21) mounted in a first end to the support (18) and in a second end only mounted pivotal to a first end of a middle joint element (30,32) in a first rotational axis (28,28), and further containing a second joint element (35) mounted in a first end to the seat device (15) and in the second end only mounted pivotal to a second end of the middle joint element (30,32) in a second rotational axis (39,40), wherein the said rotational axes (39,40) are horizontally displaced in relation to each other, and whereby

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the joint may assume a stable tilting position between the two extreme positions, characterized in that the middle joint element consists of a number of joint sub-elements, wherein the mobile joint may take a number of additional stable tilting positions between the two extreme positions, is about 5-15 cm, characterized in that the horizontal distance between the rotational axes is about 6-10 cm, characterized in that at least two of the joint elements are spring-loaded in relation to each other, characterized in that the spring-load is created by an elastic material 75,78, characterized in that the spring load is adjustable (Column 5, lines 8-40).

Claim 11-14, 17-18, 20, and 23, so far as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Morrison et al (U.S. Patent No. 2,932,341).

Morrison et al teaches a mobile joint for a seating construction for mounting between a seat device (24) of a seating construction and a support (20) for said seat device (24), comprising at least two joint elements (94,96 and 56,66) which may pivot reciprocally to a limited degree between two extreme positions in order to allow a tilting movement of the seat device, effected by the users weight displacement, characterized in that it contains a first joint element (94,96) mounted in a first end to the support (20) and in a second end only mounted pivotal to a first end of a middle joint element (48,50) in a first rotational axis (44,46), and further containing a second joint element (56,66) mounted in a first end to the seat device (24) and in the second end only mounted pivotal to a second end of the middle joint element (48,50) in a second rotational axis, wherein the said rotational axes are horizontally displaced in relation to each other, and

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whereby the joint may assume a stable tilting position between the two extreme positions, characterized in that the middle joint element consists of a number of joint sub-elements, wherein the mobile joint may take a number of additional stable tilting positions between the two extreme positions, is about 5-15 cm, characterized in that the horizontal distance between the rotational axes is about 6-10 cm, characterized in that at least two of the joint elements are spring-loaded in relation to each other, characterized in that the spring-load is created by a torsion spring, a spring coil, a plate spring, or an elastic material, (See specification and Figures).

Claim 11-14, 17-18, and 22-23, so far as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Brownell (U.S. Patent No. 4,034,948).

Brownell teaches a mobile joint for a seating construction for mounting between a seat device (32) of a seating construction and a support (12,14) for said seat device (32), comprising at least two joint elements (16, 26) which may pivot reciprocally to a limited degree between two extreme positions in order to allow a tilting movement of the seat device, effected by the users weight displacement, characterized in that it contains a first joint element (16) mounted in a first end to the support (12,14) and in a second end only mounted pivotal to a first end of a middle joint element (22,24) in a first rotational axis (18,20), and further containing a second joint element (26) mounted in a first end to the seat device (32) and in the second end only mounted pivotal to a second end of the middle joint element (22,24) in a second rotational axis (28,30), wherein the said rotational axes (18,20,28,30) are horizontally displaced in relation to

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each other, and whereby the joint may assume a stable tilting position between the two extreme positions, characterized in that the middle joint element consists of a number of joint sub-elements, wherein the mobile joint may take a number of additional stable tilting positions between the two extreme positions, is about 5-15 cm, characterized in that the horizontal distance between the rotational axes is about 6-10 cm, characterized in that at least two of the joint elements are spring-loaded in relation to each other, characterized in that the spring-load is created by a torsion spring, a spring coil, a plate spring, or an elastic material, at least two joint elements may be locked in relation to each other.

Claim 11-14 and 17-23, so far as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Tabor (U.S. Patent No. 3,599,232).

Tabor teaches a mobile joint for a seating construction for mounting between a seat device (10) of a seating construction and a support (16) for said seat device (10), comprising at least two joint elements (14,22) which may pivot reciprocally to a limited degree between two extreme positions in order to allow a tilting movement of the seat device, effected by the users weight displacement, characterized in that it contains a first joint element (14) mounted in a first end to the support (16) and in a second end only mounted pivotal to a first end of a middle joint element (34,36,37,38) in a first rotational axis, and further containing a second joint element (22) mounted in a first end to the seat device (10) and in the second end only mounted pivotal to a second end of the middle joint element (34,36,37,38) in a second rotational axis, wherein the said rotational axes are horizontally displaced in relation to each other, and whereby the

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joint may assume a stable tilting position between the two extreme positions, characterized in that the middle joint element consists of a number of joint sub-elements, wherein the mobile joint may take a number of additional stable tilting positions between the two extreme positions, is about 5-15 cm, characterized in that the horizontal distance between the rotational axes is about 6-10 cm, characterized in that at least two of the joint elements are spring-loaded in relation to each other, characterized in that the spring-load is created by a torsion spring, a spring coil, a plate spring, or an elastic material, characterized in that the spring-load is created by a torsion spring 91, characterized in that the spring load is adjustable, characterized in that the first and second joint elements have different spring-loads in relation to the middle joint element, at least two joint elements may be locked in relation to each other.

Claims 15-16 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

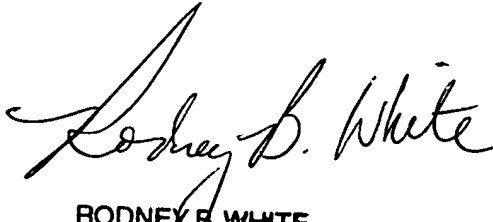
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney B. White whose telephone number is (571) 272-6863. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Rodney B. White,
Patent Examiner
Art Unit 3636
September 20, 2006



RODNEY B. WHITE
PRIMARY EXAMINER